

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TEXAS ASSOCIATION FOR MONEY SERVICES BUSINESSES (TAMSB); HIGH VALUE, INC.; REYNOSA CASA DE CAMBIO, INC.; NYDIA REGALADO d/b/a BEST RATE EXCHANGE; MARIO REGALADO d/b/a BORDER INTERNATIONAL SERVICES; LAREDO INSURANCE SERVICES, LLC; E.MEX. FINANCIAL SERVICES, INC.; R & C, INC. d/b/a TEMEX MONEY EXCHANGE; SAN ISIDRO MULTI SERVICES, INC.; CRIS WIN INC. d/b/a BROWNSVILLE CASA DE CAMBIO; ESPRO INVESTMENT LLC d/b/a LONESTAR MONEY EXCHANGE; and ARNOLDO GONZALEZ, Jr.,

*Plaintiffs,*

v.

PAM BONDI, ATTORNEY GENERAL OF THE UNITED STATES; SCOTT BESENT, SECRETARY OF THE TREASURY; UNITED STATES DEPARTMENT OF THE TREASURY; ANDREA GACKI, DIRECTOR OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK; and FINANCIAL CRIMES ENFORCEMENT NETWORK,

*Defendants.*

Civil Case No. 5:25-cv-00344-FB

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**DECLARATION OF ANDRES PAYAN, JR.**

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I, Andres Payan, Jr., being of competent mind, declare as follows:

1. I am a United States citizen and a resident of El Paso, Texas. I am 42 years old.

2. I am the manager of Payan's Fuel Center, Inc. ("Payan's"), a Texas corporation. I

have authority to speak for Payan's.

3. Payan's is located at 2901 E. Paisano Dr., El Paso, TX 79905.

4. Payan's is a gas station and convenience store. It was established in 1982 and has been the family business ever since. My father, Andres Payan, Sr., is the sole shareholder of Payan's, as was his father before him.

5. Payan's is a Money Services Business ("MSB") registered with the federal Financial Crimes Enforcement Network ("FinCEN").

6. Payan's offers check cashing services.

7. Because it is located in zip code 79905, Payan's is subject to FinCEN's March 14, 2025 geographic targeting order (the "GTO") requiring currency transaction reports for cash transactions over \$200.

8. Payan's is not a member of the Texas Association of Money Services Businesses, and Payan's is not a plaintiff in this case.

9. I nonetheless testified at the preliminary injunction hearing in this case, on May 12, 2025, because I wanted the Court to know how the GTO is affecting my business.

10. After I testified at the hearing, I received a notice that Payan's was being audited by the IRS for compliance with the Bank Secrecy Act ("BSA"). The notice is dated May 14, 2025, just two days after the hearing. A copy of the notice is attached as Exhibit A.

11. The notice asks that we gather a lot of information for the audit. This is much more information than we were asked to gather for our last IRS audit, which was in 2019.

12. The audit period extends through April 30. The GTO went into effect on April 14, so that means the audit includes the first two weeks that the GTO was in effect. The GTO has been very difficult to comply with, and now the government is going to be looking through our papers making sure that we are complying perfectly.

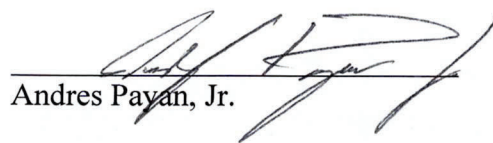
13. I am very worried that this audit is retaliation for my decision to testify at the preliminary injunction hearing. The fact that the notice is dated just two days after I testified makes me think the government decided to audit me because they were unhappy with my testimony.

14. I understand that penalties for failure to comply with the BSA can be significant—over \$70,000 per violation if the government thinks the violation is “willful.” I do not think we have violated the law. Still, I am very worried that the government will use the audit to try to find a way to fine my business in retaliation for my testimony in this case. That kind of significant penalty could destroy the business.

15. This audit is particularly difficult for my business to deal with because we are already buried in paperwork trying to comply with the GTO. Now the government is putting more compliance obligations on our back with this audit, which is going to take time that we could otherwise spend on GTO-related paperwork. If we get behind on filing GTO-related paperwork because of the time that we are spending on the audit, we will have to suspend cashing checks again, and that will cost the business revenue and will drive customers away.

16. Between this audit and the GTO, I am very worried about the future of my business. Even without the audit, I expect that Payan’s will lose about 20% of its business because of the GTO. That means we will have to let people go. We will have to decrease our own salaries. We won’t be able to weather any additional events beyond our control, such as an economic downturn. It’s a very real threat to Payan’s survival. Adding a BSA compliance audit on top of that just compounds all these problems.

DATED and SIGNED this 23 day of May, 2025.

  
Andres Payan, Jr.